

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<b>In Re Terrorist Attacks on September 11, 2001</b>	:	<b>As Relates to 1:03-md-01570</b>
	:	
<b>DANIELLE MCGUIRE</b> , as Personal	:	<b>CORRECTED AND AMENDED</b>
Representative of the <b>ESTATE OF PATRICK</b>	:	<b>SHORT FORM COMPLAINT</b>
<b>MCGUIRE, Deceased</b>	:	<b>AND DEMAND FOR TRIAL</b>
	:	<b>BY JURY</b>
<b>DANIELLE MCGUIRE</b> , the surviving Spouse	:	
of Patrick McGuire	:	<b>1:19-CV-00031 (GBD)(SN)</b>
	:	
<b>MARA MCGUIRE</b> , surviving Child of Patrick	:	<b>ECF CASE</b>
McGuire	:	
	:	
<b>RYAN MCGUIRE</b> , surviving Child of Patrick	:	
McGuire	:	
	:	
<b>SEAN MCGUIRE</b> , surviving Child of Patrick	:	
McGuire	:	
	:	
<b>SHEA MCGUIRE</b> , surviving Child of Patrick	:	
McGuire	:	
	:	
<b>AARON ADLER</b> , surviving Sibling of	:	
Lee Alan Adler	:	
	:	
<b>ISABELL DANSIGER ADLER</b> , surviving Parent	:	
of Lee Alan Alder	:	
	:	
<b>JAY ADLER</b> , surviving Sibling of Lee Alan Adler	:	
	:	
<b>LAUREN SARAH ADLER MARTINELLI</b> ,	:	
surviving Child of Lee Alan Adler	:	
	:	
<b>RANDI ADLER</b> , surviving Sibling of Lee Alan	:	
Adler	:	
	:	
<b>CORAZON FERNANDEZ</b> , as Personal	:	
Representative of the <b>ESTATE OF JUDY</b>	:	
<b>FERNANDEZ, Deceased</b>	:	
	:	
<b>CORAZON FERNANDEZ</b> , a surviving Parent of	:	
Judy Fernandez	:	
	:	
<b>CIRILO FERNANDEZ</b> , a surviving Parent of	:	
Judy Fernandez	:	

**MARIANNA GARFI**, surviving Parent  
of Francesco Garfi, Deceased

**SALVATORE GARFI**, surviving Parent  
of Francesco Garfi, Deceased

**VITO GARFI**, as Personal Representative of  
the **ESTATE OF FRANCESCO GARFI**,  
**DECEASED**

**VITO GARFI**, surviving Sibling of  
Francesco Garfi, Deceased

**KATHRYN GRAZIOSO**, a surviving Child of  
John Grazioso

**KRISTEN GRAZIOSO**, a surviving Child of  
John Grazioso

**TINA GRAZIOSO**, as Parent and Natural  
Guardian of M.G., a minor

**THERESA COOKE**, surviving Sibling  
of LeRoy W. Homer, Jr.

**MICHELLE HARGIS**, surviving Sibling  
of LeRoy W. Homer, Jr.

**CHRISTINE HOMER**, surviving Sibling  
of LeRoy W. Homer, Jr.

**CHRISTINE HOMER**, as Personal  
Representative of the **ESTATE OF THOMAS**  
**FREIMARK**, surviving Sibling of  
LeRoy W. Homer, Jr.

**ILSE HOMER**, a surviving Parent  
of LeRoy W. Homer, Jr.

**MONIQUE HOMER**, surviving Sibling  
of LeRoy W. Homer, Jr.

**MARILYN JOHNSON**, surviving Sibling  
of LeRoy W. Homer, Jr.

**CHERYL HOMER WILSON**, surviving Sibling  
of LeRoy W. Homer, Jr.

**GERMAINE WILSON**, surviving Sibling of  
LeRoy W. Homer, Jr.

**KEVIN JIAN**, a surviving Child of Hweidar  
Jian

**WILLIAM JIAN**, a surviving Child of Hweidar  
Jian

**MICHAEL LOGUIDICE**, as Personal  
Representative of the **ESTATE OF CARMELLO**  
**LOGUIDICE**, a surviving Parent of Catherine  
Lisa LoGuidice

**JOANNE MISTRULLI**, as Personal  
Representative of the **ESTATE OF FRANK**  
**MISTRULLI**, a surviving Sibling of  
Joseph D. Mistrulli

**DALE ALLEN NACKE**, as Personal  
Representative of the **ESTATE OF LOUIS P.**  
**NACKE, Deceased**, a surviving Parent of Louis  
Nacke

**DALE ALLEN NACKE**, as Personal  
Representative of the **ESTATE OF PHILOMENA**  
**MILLACE NACKE, Deceased**, a surviving Parent  
of Louis Nacke

**RACHEL LOGAN**, a surviving Sibling  
of Nicholas Rowe

**ALEXANDER ROWE** as Parent and Legal  
Guardian of **NADINE ROWE**, a surviving  
Sibling of Nicholas Rowe

**ALEXANDER ROWE** as Personal Representative  
of the **ESTATE OF JUDITH ROWE, Deceased**,  
a surviving Parent of Nicholas Rowe

**PAUL ROWE**, a surviving Sibling  
of Nicholas Rowe

**PLAINTIFFS,**

**v.**

**KINGDOM OF SAUDI ARABIA**

**DEFENDANT.**

:  
:  
:  
:

**CORRECTED AND AMENDED SHORT FORM SAUDI ARABIA COMPLAINT**

The *McGuire* Plaintiffs file this Corrected and Amended *Ashton* Short Form Saudi Arabia Complaint against Defendant Kingdom of Saudi Arabia by and through undersigned counsel. The *McGuire* Plaintiffs incorporate by reference the specific allegations, as indicated below, of the *Ashton* Plaintiffs' Complaint against the Kingdom of Saudi Arabia, 17-cv-2003 Doc. No. 1 in the United States District Court for the Southern District of New York, consolidated with 03 MDL 1570 ("the *Ashton* Saudi Arabia Complaint"). The *McGuire* Plaintiffs file this *Ashton* Short Form Saudi Arabia Complaint as permitted and approved by the Court's Order of May 23, 2018, ECF No. 465.

**VENUE**

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

**JURISDICTION**

2. Jurisdiction of this *Ashton* Short Form Saudi Arabia Complaint, as asserted in the *Ashton* Saudi Arabia Complaint, is premised upon and applicable to all defendants in this action:

■ 28 U.S.C. § 1605(a)(5) (non-commercial tort exception)

■ 28 U.S. C. § 1605B (Justice Against Sponsors of Terrorism Act)

■ 28 U.S.C. § 1330 (actions against foreign states)

☐ Other: set forth below the basis of any additional ground for jurisdiction and plead such in sufficient detail as per the FRCP): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

### **CAUSES OF ACTION**

3. The *McGuire* Plaintiffs hereby adopt and incorporate by reference the *Ashton* Saudi Arabia Complaint as if set forth fully herein.

4. Furthermore, the following claims and allegations are asserted by the *McGuire* Plaintiffs and are herein adopted by reference from the *Ashton* Saudi Arabia Complaint:

☒ First Cause of Action to Recover Wrongful Death Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)

☒ First Cause of Action to Recover Personal Injury Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)

☒ Second Cause of Action for Wrongful Death Damages Pursuant to State Tort Law

☒ Second Cause of Action for Personal Injury Damages Pursuant to State Tort Law

☒ Third Cause of Action for Wrongful Death Damages Pursuant to the Alien Tort Claims Act

☒ Third Cause of Action for Personal Injury Damages Pursuant to the Alien Tort Claims Act

☐ Plaintiffs assert(s) the following additional theories and/or Causes of Action against the Defendants: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

### **IDENTIFICATION OF PLAINTIFFS**

5. The following allegations and information are alleged as to each individual who is bringing this claim, as indicated on Appendix 1 to this *Ashton* Short Form Saudi Arabia

Complaint; as to each decedent who was injured and who is now deceased, whose claim is brought by the Estate representative; and/or to the survivors of the decedent's Estate; herein referred to as "Plaintiffs."

- a. The citizenship/nationality of Plaintiff is as stated in Appendix 1 to this *Ashton* Short Form Saudi Arabia Complaint.
- b. Plaintiff is entitled to recover damages on the causes of action set forth in this *Ashton* Short Form Saudi Arabia Complaint.
- c. As indicated at Appendix 1, Plaintiff (i) is the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; (ii) is the surviving immediate family member of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; and/or (iii) suffered physical injuries as a result of the September 11, 2001 Terrorist Attacks.
- d. For those plaintiffs with personal injury claims, as indicated in Appendix 1, related to the September 11, 2001 Terrorist Attacks, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged, as stated specifically in Appendix 1.
- e. For those plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant's actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the *Ashton* Short Form Saudi Arabia Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
- f. For those plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant's actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the *Ashton* Short Form Saudi Arabia Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
- g. The name, relationship to the injured and/or deceased September 11 victim, residency, citizenship/nationality, and the general nature of the claim for each plaintiff asserting wrongful death and/or personal injury claims is listed on the attached Appendix 1, and is incorporated herein as allegations, with all allegations

of the *Ashton* Short Form Saudi Arabia Complaint deemed alleged as to each Plaintiff.

**IDENTIFICATION OF THE DEFENDANTS**

6. The following is a Defendant herein:



Kingdom of Saudi Arabia

This *Ashton* Short Form Saudi Arabia Complaint shall be deemed subject to any motion to dismiss the *Ashton* Saudi Arabia Complaint or any other filings responsive to the *Ashton* Saudi Arabia Complaint.

**NO WAIVER OF OTHER CLAIMS**

7. By filing this *Ashton* Short Form Saudi Arabia Complaint, the *McGuire* Plaintiffs are not waiving any right to file suit against any other potential defendants or parties.

8. By filing this *Ashton* Short Form Saudi Arabia Complaint, the *McGuire* Plaintiffs are not opting out of any class that the Court may certify in the future.

**WHEREFORE**, the *McGuire* Plaintiffs pray for relief and judgment against Defendants as set forth in the *Ashton* Saudi Arabia Complaint as appropriate.

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury as to the claims in this action.

Date: July 17, 2023

Respectfully Submitted,

/s/

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See Appendix 1 Annexed



